

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IMAGE PROCESSING TECHNOLOGIES,
LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., ET
AL.,

Defendants.

Case No. 2:20-CV-00050-JRG

BEFORE: Hon. Rodney Gilstrap

FILED UNDER SEAL

**DECLARATION OF MARC J. PENSABENE IN SUPPORT OF SAMSUNG'S
RENEWED MOTION *IN LIMINE* NO. 11**

I, Marc J. Pensabene, declare and state as follows:

1. I am a partner at O'Melveny & Myers LLP, counsel for Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung") in the above captioned matter.

2. I submit this declaration in support of SAMSUNG'S RENEWED MOTION *IN LIMINE* NO. 11, concurrently filed herewith.

3. I have personal knowledge of the statements set forth in this declaration and, if called as a witness, would testify competently thereto.

4. Attached hereto as **Exhibit 1** is an excerpt of a true and correct copy of the transcript from the pre-trial hearing held before the Court on June 2, 2020, as provided by the Court reporter in this action. All yellow highlighting was added by counsel for Samsung.

5. Attached hereto as **Exhibit 2** is a true and correct copy of an email chain between counsel for Samsung, Marc Pensabene, and counsel for Plaintiff, Michael Zachary, with the most recent email dated June 9, 2020.

6. Attached hereto as **Exhibit 3** is a true and correct copy of an email chain between counsel for Samsung, Marc Pensabene, and counsel for Plaintiff, Michael Zachary, with the most recent email dated June 26, 2020.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 29, 2020

/s/ Marc J. Pensabene

Marc J. Pensabene
O'Melveny & Myers LLP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 29, 2020 or by email.

/s/ Marc J. Pensabene
Marc J. Pensabene
O'Melveny & Myers LLP